

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROBERT JACKSON,
Plaintiff,

vs

Case No. 1:14-cv-646

Barrett, J.
Bowman, M.J.

DIRK PRISE, et al.,
Defendants.

**REPORT AND
RECOMMENDATION**

The instant prisoner civil rights action commenced on August 13, 2014 when the plaintiff, an inmate at the Southern Ohio Correctional Facility, filed a motion for leave to proceed *in forma pauperis*. (*See* Doc. 1). On August 20, 2014, the undersigned issued a Deficiency Order because plaintiff had not submitted a signed complaint and had not provided the Court with a certified copy of his prison trust fund account statement as part of his *in forma pauperis* application. (*See* Doc. 2). Therefore, plaintiff was ordered (1) to “either pay \$400 (\$350 filing fee plus \$50 administrative fee) or submit to the Court a certified copy . . . of his inmate trust fund account statement” within thirty (30) days; *and* (2) to “sign the complaint and return it to the Clerk of Court” within the requisite 30-day period if he “wishes to proceed with this action.” (*Id.*). The Clerk of Court was directed “to provide the plaintiff with a copy of the complaint to sign and return to the Court.” (*Id.*, p. 2). Moreover, plaintiff was informed that “if he fails to comply with this Order requiring him to pay \$400 or submit a certified copy of his inmate trust fund account statement . . . **and** sign and return the complaint to the Clerk of Court within **thirty (30) days** of the date of filing of this Order, the case will be dismissed for want of prosecution.” (*Id.*) (emphasis in original). This Court’s docket records reflect that plaintiff was served with a copy of the Deficiency Order on August 25, 2014. (Doc. 3).

On September 4, 2014, plaintiff filed a certified copy of his prison trust fund account statement in compliance with the Deficiency Order. (Doc. 4). However, he has yet to provide the Clerk of Court with a signed copy of his complaint. At this point in time, the deadline for fully complying with the Deficiency Order has passed.

District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). Failure of a party to respond to an order of the court warrants invocation of the Court’s inherent power in this federal habeas corpus proceeding. *See* Fed. R. Civ. P. 41(b); *see also* Rule 11, Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254.

It is therefore **RECOMMENDED** that this matter be **DISMISSED** for lack of prosecution.

IT IS SO RECOMMENDED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

cbc